

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

United States Courts  
Southern District of Texas  
FILED

AUG 14 2006

Michael N. Milby, Clerk

**JACQUES SANCHARA JAIKARAN, §  
Plaintiff, §**

**v. §**

**U.S. BANK, N.A., "as Trustee," §  
LITTON LOAN SERVICING, LP, §  
STEVEN A. LEYH, one unknown §  
BENEFICIARY OF U.S. BANK's §  
Alleged TRUST, and the Honorable §  
JUDGE PATRICIA HANCOCK, §  
Plaintiffs, §**

**CIVIL CAUSE NO. 4:06-cv-01479**

**EMERGENCY  
ON APPEAL**

**CHARLES LINCOLN'S MOTION TO DELAY THE ISSUANCE OF A BENCH  
WARRANT**

NOW COMES before the Court ANDREA ATALAY as a courtesy to CHARLES LINCOLN, and not as Counsel making an appearance before this Court, to request that the Court delay the issuance of the bench warrant signed by this Court on August 11, 2006, ordering Mr. Lincoln to voluntarily present himself to the U.S. Marshal Service by 2:00 p.m. August 14, 2006.

On Saturday, August 12, 2006, Mr. Lincoln was involved in a serious car accident in Swanee, Florida (Emergency Room report attached). In a sincere effort to return to Houston to follow the Court's order, traveling east on I10, Mr. Lincoln's driver was making his best effort to reach his goal. While driving through a significant rain storm, the truck in which Mr. Lincoln was a passenger, hydroplaned and flipped many feet over the median, over a ditch, and ended up flipped over, landing on its roof.

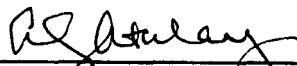
Mr. Lincoln, as was his driver, was badly injured in this incident. His injuries included a serious head injury and a broken elbow. He has since been in significant pain, and is staying at the Holiday Inn Express in Swanee. He can be reached at (386) 362-1851, Room 305, but is heavily sedated and his physician has asked that he be not disturbed except in case of emergency.

***Order Granting Motions to Amend or Alter Judgment of Dismissal, Vacating Order of Injunction, and Setting Hearing regarding Injunction***

His physician, Dr. Camil Kreit, can be reached at (281) 989-6358, his home phone number. Dr. Kreit has been in contact with Mr. Lincoln and with the emergency room at Shands at Live Oaks in Swanee, where Mr. Lincoln was initially treated. Mr. Lincoln has been ordered to see an orthopedic surgeon. Such a doctor is not available in Swanee. Waiting for the permission of Dr. Kreit, Mr. Lincoln's friends, and his employer are attempting to arrange a method of getting Mr. Lincoln back to Houston. No one knows when this will be possible.

Accordingly, ANDREA ATALAY at the request of CHARLES LINCOLN prays this Court will delay the issuance of the bench warrant signed by this Court on August 11, 2006. The Court is welcome, at its convenience to contact Mrs. Atalay (713) 721-2660, to whom Mr. Lincoln has given permission to release any information within her knowledge to the Court.

**Respectfully submitted:**

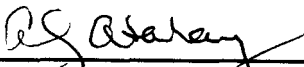
  
\_\_\_\_\_  
**ANDREA S. ATALAY**                      **Tel. (512) 267-5656**  
**TEXAS BAR CARD: 24001670**        **Fax (512) 267-5657**  
**10804 Ridgeway, Suite 220**  
**JONESTOWN, Texas 78645**

**CERTIFICATE OF SERVICE**

**The undersigned has this 14<sup>th</sup> day of August, 2006, served a true and correct copy of CHARLES LINCOLN'S MOTION TO DELAY THE ISSUANCE OF A BENCH WARRANT on the following counsel of record:**

**Steven A. Leyh  
Leyh & Payne  
VIA FACSIMILE  
And on:**

**Chambers of Judge Lynn N. Hughes  
COURTESY COPY  
VIA FACSIMILE**

  
\_\_\_\_\_  
**Andrea S. Atalay, Attorney for  
~~Jacques S. Jaikaran~~**